

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

GILDA HAGAN-BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:14cv1614 (AJT/JFA)
	)	
ELI LILLY AND COMPANY,	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM IN SUPPORT OF DEFENDANT'S**  
**MOTION TO EXTEND TIME FOR DOCUMENT PRODUCTION**

Pursuant to Local Rule 37(F), Defendant Eli Lilly and Company ("Lilly") hereby moves for an extension of time to meet the court-ordered document productions.

**I. BACKGROUND**

On April 3, 2015, the Court granted in part Plaintiffs' motion to compel. Specifically, the Court ordered Lilly to search and produce the discoverable correspondence from former Lilly employee Matthew Kuntz and to produce the Electronic Common Technical Documents ("eCTD") for Cymbalta indications available in such format. In light of Local Rule 37(C)'s requirement that court-ordered productions be completed within eleven days of entry of a discovery order, Lilly hereby files this motion for extension of time to produce such documents. Lilly has updated Plaintiffs' counsel regarding the status of its productions and those discussions are described below.

**II. MATTHEW KUNTZ DOCUMENTS**

Lilly is in the process of searching and reviewing the emails of Matthew Kuntz. Lilly has agreed to complete the production of Mr. Kuntz's emails by April 27, 2015. Plaintiffs have

indicated that this deadline is acceptable to them as long as they have the documents approximately a week before any deposition of Mr. Kuntz. Given Plaintiffs' request, Lilly, who will represent Mr. Kuntz at his deposition, is working to schedule Mr. Kuntz's deposition in early May on a mutually convenient date for the witness and the parties. At this time, the parties do not anticipate any dispute on this matter will be raised with the Court and Lilly hereby seeks the Court's permission to complete the production of Mr. Kuntz's emails by April 27, 2015, with the understanding that Mr. Kuntz's deposition will not take place before early May.

### **III. eCTD DOCUMENTS**

Since the April 3 hearing, Lilly and its counsel have held several calls regarding the eCTD production, including with Lilly's e-discovery counsel and Lilly's outside vendor. As Lilly informed the Court, this is the first time that Lilly will make a production of NDA/NDA submissions in eCTD format, and, thus, the process is new to Lilly and its counsel. The process of producing documents in this format is complicated and time-consuming. Unfortunately, given protective orders in the other matters, Plaintiffs' counsel is unable to inform Lilly from which company or companies they have received eCTD productions in the past and Lilly is therefore unable to contact the other company or companies to discuss the process. Plaintiffs' counsel has requested that Lilly attempt to complete its production by April 27, 2015. Lilly does not anticipate being able to do so, however, Lilly is diligently working to provide Plaintiffs with the production as soon as possible and at least a week before the current close of discovery on May 15, 2015.

Given that the parties are working together on these issues in an effort to agree to a mutually acceptable deadline for the eCTD production, and given that Plaintiffs already have these materials in a different searchable format, Lilly seeks an extension of the deadline to

complete its eCTD production, but is not yet requesting a specific date. Lilly submits that it be allowed to continue to discuss this issue with Plaintiffs so that the parties can seek to resolve this issue without further Court intervention.

#### **IV. CONCLUSION**

For the reasons discussed above, Lilly respectfully requests an extension of the deadlines to complete the court-ordered document productions. At this time, the parties are not seeking to alter the schedule of dates and procedure previously adopted by this Court.

Respectfully submitted,

/s/ Jeffrey T. Bozman

Jeffrey Todd Bozman (VA 83679)

Covington & Burling LLP

One CityCenter

850 Tenth Street, NW

Washington, DC 20001

Tel: (202) 662-5829

Fax: (202) 778-5829

jbozman@cov.com

*Counsel for Eli Lilly and Company*

## CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Peter A. Miller  
Brielle Marie Hunt  
Miller Legal LLC  
175 S. Pantops Drive, Third Floor  
Charlottesville, VA 22911  
Tel: (434) 529-6909  
Fax: (888) 830-1488  
Email: PMiller@MillerLegalLLC.com  
bhunt@millerlegalllc.com

R. Brent Wisner, Esq. (*pro hac vice*)  
BAUM, HEDLUND, ARISTEI & GOLDMAN, P.C.  
12100 Wilshire Blvd., Suite 950  
Los Angeles, CA 90025  
Tel: (310) 207-3233  
Fax: (310) 820-7444  
Email: rbwisner@baumhedlundlaw.com

*Counsel for Gilda Hagan-Brown*

/s/  
Jeffrey Todd Bozman (VA 83679)  
Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001  
Tel: (202) 662-5829  
Fax: (202) 778-5829  
jbozman@cov.com  
*Counsel for Eli Lilly and Company*